

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q78484

Kazumi NAITO, et al.

Appln. No.: 10/729,914

Group Art Unit: 1742

Confirmation No.: 3295

Examiner: Ngoclan Thi MAI

Filed: December 9, 2003

For: NIOBIUM POWDER FOR CAPACITOR, SINTERED BODY USING THE POWER AND  
CAPACITOR USING THE SAME

**STATEMENT OF SUBSTANCE OF INTERVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please review and enter the following remarks summarizing the interview conducted on  
October 17, 2005 and October 19, 2005 with Examiner Roy King:

**REMARKS**

The interview was initiated by the Examiner. Therefore, no further recordation by the  
Applicant is believed to be required.

During the interview, the following was discussed:

1. Brief description of exhibits or demonstration: None
2. Identification of claims discussed: 15
3. Identification of art discussed: U.S. Patent 6,540,810
4. Identification of principal proposed amendments: None
5. Brief Identification of principal arguments: None
6. Indication of other pertinent matters discussed: The Examiner indicated that at  
least claim 15 is unpatentable over U.S. Patent 6,540,810. Specifically, the Examiner indicated

**Statement of Substance of Interview  
U.S. Application No. 10/729,914****Attorney Docket Q78484**


that the limitation "obtained by granulating a niobium powder having an average primary particle size of about 1  $\mu\text{m}$  or less" in claim 14 does not have any patentable weight since it is a product-by-process limitation. In addition, with respect to the limitation "said niobium having an average particle size of from about 1 to about 300  $\mu\text{m}$ " is known in the art (e.g., if particles having a particle size of 1  $\mu\text{m}$  or less are granulated, then granules having a particle size of more than 1  $\mu\text{m}$  would be obtained), and that prior art references supporting the position can be cited. Therefore, the Examiner inquired whether Applicants would file a terminal disclaimer to obviate the obviousness-type double patenting rejection.

7. Results of Interview: Without conceding to the merits, Applicants indicated that a Terminal Disclaimer would be filed.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

**It is believed that no petition or fee is required.** However, if the USPTO deems otherwise, Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted.

  
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WASHINGTON OFFICE  
**23373**  
CUSTOMER NUMBER

Date: October 19, 2005